IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 130 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRABHATSINH AMARSINH SOLANKI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 130 of 1998

MRS SHILPA J UNWALLA for Petitioners No. 1-2

MR HL JANI, PUBLIC PROSECUTOR for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 27/11/2001

ORAL JUDGEMENT

#. Heard the learned advocates.

#. The petitioners before this Court are the accused in the offence registered at the Kothamba Police Station as I-CR.No.117/97. The said offence has been registered pursuant to the complaint lodged by one Somabhai Bhalabhai, the respondent no.2 herein on 5th November, 1997. The petitioners - accused are alleged to have committed offence punishable under Sections 325, 323, 504 and 114 of the Indian Penal Code and Section 135 of the Bombay Police Act. Pursuant to the said offence registered against the accused, the accused were arrested and released on bail. The police thereafter moved an application before the learned Judicial Magistrate, First Class, Lunawada for inclusion of offence punishable under Section 395 of the Indian Penal Code and for cancellation of bail granted to the petitioners and for issuance of warrant for arrest. The said application has been allowed by the learned Magistrate on 4th March, 1998. Feeling aggrieved, the petitioners have preferred the present petition.

#. Indisputably, the police investigation is still pending in respect of the offence registered against the petitioners and the others. The impugned order is an interlocutory order. No Revision under Section 397 of the Criminal Procedure Code shall, therefore, lie against the impugned order. The Revision Application is accordingly dismissed. Rule is discharged. Ad interim relief is vacated.

27th November, 2001. (Ms. R.M.Doshit, J.)

/sakkaf